

26 SEP 2007

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In re Application of :
ISSBERNER et al. :
Application No.: 10/599,682 : DECISION ON PETITION
PCT No.: PCT/EP05/03234 : UNDER 37 CFR 1.182
Int. Filing Date: 26 March 2005 :
Priority Date: 05 April 2004 :
Attorney Docket No.: C 2906 PCT/US :
For: SENSORY WAX FOR COSMETIC :
AND/OR PHARMACEUTICAL :
FORMULATIONS

This decision is issued in response to applicant's "Petition under 37 CFR 1.182" to correct the name of the inventor identified in the international application as Catherine Mitchell to Catherine Weichold, the name listed on the declaration filed 30 July 2007. The \$400 petition fee will be charged to counsel's Deposit Account No. 50-1177.

BACKGROUND

On 05 October 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*: the basic national fee; a translation of the international application; an unexecuted declaration; and a preliminary amendment.

On 29 May 2007, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the translation submitted was defective in that the number of claims in the translation was different from the number of claims contained in the international application. Additionally, the Notification indicated that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 30 July 2007, applicant filed "Reply to Response to Notification of Missing Requirements and Transmittal of Declaration under 37 CFR 1.497."

DISCUSSION

Petition under 37 CFR 1.182

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicant requests to change the name of the second inventor from Catherine Mitchell to Catherine Weichold. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the second inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicant's submission included the authorization to charge Deposit Account No. 50-1177 for required fees. Based on this authorization, Deposit Account No. 50-1177 will be charged the requisite petition fee of \$400, satisfying the petition fee requirement. As for the affidavit requirement, applicant submitted an "Affidavit" regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Catherine Weichold as a result of marriage.

Translation of International Application

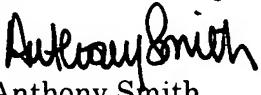
A review of the application reveals that applicant submitted a translation of the international application on 05 October 2006. Therefore, the Notification of Missing Requirements requiring a translation of the international application and a processing fee for providing the translation later than thirty months from the priority date was issued in error and hereby vacated.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for inventor Catherine Mitchell to Catherine Weichold is **GRANTED**.

Based on the above, the declaration filed 30 July 2007 is acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.


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